

REMARKS

A Petition for Extension of Time is being filed concurrently herewith.

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claim 3 has been canceled and claims 1 and 5-7 have been amended. Claims 1-2 and 4-7 are pending in this application.

Claim 5 stands objected to because of the informalities. In response, Applicant has amended claim 5 by changing "epi-layer" to --epitaxial layer-- according to the Examiner's kind suggestion. Withdrawal of the objection to claim 5 is respectfully requested.

With respect to the double patenting statement, Applicant has amended claims 6 and 7 to be dependent on claim 5. Accordingly, it is believed that this issue is now deemed moot.

Claims 1-2, 4 and 6-7 stand rejected under 35 U.S.C. §102(e) as being anticipated by Thei et al. However, the Examiner has indicated that claim 3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has canceled claim 3 and included all of the limitations of canceled claim 3 into claim 1. Accordingly, it is believed that the rejection under 35 U.S.C. §102(e) is deemed moot and claim 1, which includes the allowable subject matter of canceled claim 3, and its dependent claims 2 and 4 are now allowable.

Applicant notes with appreciation that claim 5 stands objected to because of the minor informality, but would be allowable if rewritten to correct the minor informality. As noted above, claim 5 has been amended to remove the informality. Accordingly, it is believed that claim 5 and its dependent claims 6 & 7 are now allowable.

The prior art made of record and not relied upon is noted.

All objections and rejections having been addressed, it is respectfully submitted that claims 1-2 and 4-7 are now in condition for allowance and a notice to that effect is earnestly solicited. If any issues remain to be resolved, the Examiner is cordially invited to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

By: 

Yoon S. Ham

Reg. No. 45,307

Direct Tel.: (202) 662-8483

JACOBSON HOLMAN PLLC
The Jenifer Building
400 Seventh Street, N.W.
Washington, D.C. 20004-2201
(202) 638-6666

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